IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR.

ORDER

M/s. Rob Mathys (India) Pvt. Ltd. Vs. Mathys Ltd.

D.B. Civil Special Appeal No. 4/1996
in
S.B. Company Petition No. 9/1992

Date of order :: July 3, 2007

PRESENT
HON'BLE MR.JUSTICE R.C. GANDHI.
HON'BLE DR. JUSTICE VINEET KOTHARI

Mr. Alok Sharma for the appellant.
Mr. Nitin Jain for the respondent

BY THE COURT: (PER HON'BLE MR. GANDHI, J)

1. This appeal has been filed by the respondent for winding up of the company, the appellant, before us.

2. The learned Single Judge after considering various facts passed a detailed order and made out a case for admission of the writ petition. The winding up petition came to be admitted vide order dated 22.12.1995, under appeal, and in accordance with law learned Single Judge directed the advertisement of the admission and winding up petition in two newspapers.

3. Learned counsel for the appellant has submitted that if this advertisement is made in the newspapers, it will affect the reputation of the company adversely which appears to be correct as inference can be drawn against the company with regard to its business which may affect adversely.

4. The Division Bench has passed an interim order staying the operation of such advertisement vide its order dated 30.01.1996.

5. Instead of commenting on the merits of the winding up petition, which may have effect on the merits of the case, we deem it proper to request the learned Single Judge to take up the matter and hear the parties on the winding up petition and on the question as to whether the company deserves to be wound up. We direct the registry to list the winding up petition No. 9/1992 before the learned Single Judge after two weeks and request him to take up the matter on priority.

6. The appeal is accordingly disposed of, as argued.

(Dr.VINEET KOTHARI),J. (R.C. GANDHI),J.

Pramod